

REMARKS

Claims 1-13 are pending in the above-identified application. Claims 1, 5, 6, 8, 9, 11, and 12 have been amended. Claims 14-20 have also been added. Accordingly, Claims 1-20 are now pending.

Double Patenting

The Examiner provisionally rejected Claims 1-13 under the judicially created doctrine of obviousness-type double patenting. Applicant hereby submits a terminal disclaimer to obviate the double patenting rejection. Accordingly, Applicant requests removal of this rejection.

35 U.S.C. § 102 Anticipation Rejection of Claims

Claims 1-13 were rejected under 35 U.S.C. § 102(e) as being purportedly anticipated by *Yung* (U.S. Patent No. 6,196,113). Applicant respectfully traverses this rejection.

First, Applicant submits that *Yung* does not disclose or fairly teach an appliance that is capable of "receiving, without user intervention, in an oven a plurality of recipe programs at a network interface from an operably connected, but external device." *Yung* teaches a breadmaker that includes a repertoire of preprogrammed recipes stored in an appliance memory. *Yung* then teaches that the preset repertoire of programs can be updated using memory cards, floppy disks, or via a serial or parallel port connection, by importing new programs to the memory of the appliance. (See Col. 9, lines 31-59). Therefore, *Yung* specifically requires that a user must manually and actively, by searching for a new program or otherwise obtaining it and then connecting a device or by inserting a memory card, update the repertoire of programs.

By contrast, amended Claims 5, 8, and 11 require, among other limitations, that the plurality of recipe programs be received "without user intervention." This provides numerous advantages over the cited art including, but not limited to, the ability to provide automatic

updates of the plurality of recipes. As the cited reference does not disclose receiving recipes "without user intervention", Applicant submits that independent Claims 5, 8, and 11, as well as dependent Claims 6, 7, 9, 10, 12, 13, and 15-17 are in condition for allowance.

In addition, Applicant also submits that *Yung* does not disclose or fairly teach an appliance having a network interface that "requests a recipe program from an operably connected, but external device", as required by Claim 1. As noted above, *Yung* discloses a breadmaker capable of storing a preset repertoire of recipes that can be manually updated using memory cards, floppy disks, or via a serial or parallel port connection. *Yung* also specifically teaches that in order to obtain new recipe programs, the user must either obtain memory cards having the new programs from a manufacturer, developer, or distributor, or to manually download any such programs from a website. *Yung* does not, however, disclose an appliance that includes a network interface configured to request a recipe program from an external device.

In contrast, independent Claim 1 requires, among other limitations, a network interface, in communication with the controller, that requests a recipe program from an operably connected, but external device." As the cited reference does not disclose this limitation, Applicant submits that independent Claim 1, as well as dependent Claims 2-4 and 14 are in condition for allowance.

Applicant has also added new independent Claims 18 and 19 which require, among other limitations, that the code input device comprises "a bar code reader for scanning a unique product code." None of the cited references disclose this limitation. Accordingly, independent Claims 18 and 19, as well as dependent Claim 20, are also allowable over the prior art.

CONCLUSION

In view of the above amendments and remarks, Applicant respectfully submits that the present application is in condition for allowance. Early notification of such effect is earnestly solicited. Should the Examiner have any remaining issue, Applicant kindly requests that the Examiner contact the undersigned.

Respectfully submitted,

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